

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CV 08

ORIGINAL
3806
COMPLAINT

King Justice Allah-EL

Plaintiff

IRIZARRY, J.

-vs-

BLOOM, M.J.

Jury Trial Demanded

Judges of the Supreme Court: YVONNE LEWIS & RANDALL T. ENG

Judges of the Criminal Court, County of Kings: EILEEN NADELSON, ZARO, YEARWOOD, CYRULNIK, BEST, SMITH, MCGUIRE, GUBBAY, BURKE, JEUNG, MILLER, "JOHN & JANE DOE,"

(CHARLES HYNES) KINGS COUNTY DISTRICT ATTORNEYS OFFICE & A.D.A.'s:

CYRIL THOMAS, ROBERT GEARY, JULIE DEGENERO, NICOLE TARTAK, DAVID KORNGOLD, PEARL CHRISTENSEN, EDWARD KRAVITZ, DENNIS BROGAN, "JOHN & "JANE DOE"

SUSAN H. HARKAVY (Deputy Clerk, Appellate Division, 2nd Department),

JAMES PELZER (Court Clerk, Appellate Division, 2nd Department),

MR. HARRIS (Supervising Clerk, Appellate Division, 2nd Department),

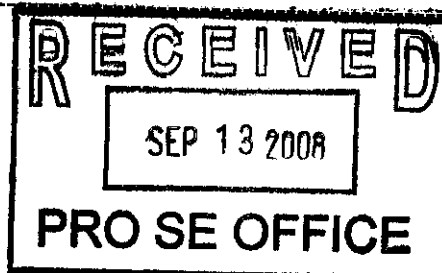
MR DEVITO (Court Clerk, Kings County Supreme Court),

"JOHN & JANE DOE" CLERKS (various Clerks of the Kings County Criminal Court on duty at the time that Defendant judges of the same court where on the bench),

LIEUTENANT SHERIDAN (Appellate Division, 2nd Department)

"JOHN & "JANE DOE" (SERGEANTS, LUIETENANTS, CAPTAINS and OFFICERS on duty during hearings pertaining to Plaintiff),

Defendants



2008 SEP 13 AM 11:08

I. Parties: Plaintiff, King Justice Allah-EL

Defendants: See above caption box

550 Audubon Avenue #9

New York, New York 10040

646 372 3356

**II. JURISDICTION OF THIS COURT IS CONFERRED UNDER
FEDERAL QUESTION 28 U.S.C. 1331**

**The district courts shall have original jurisdiction of all civil actions arising
under the Constitution, laws, or treaties of the United States**

Whether the Pre-existing Rights of the Plaintiff, a Descendant of Ancient Moroccans born in America under the treaty of 1787-1836, inclusive of the Sundry Free Moors Act of 1790, House Representative of 1933 Resolution 75, and City Council of Philadelphia Resolution 1202, can be over looked by Municipal or territorial law when these specific rights conferred are raised before a governmental agency as, but not limited to, responsive pleadings, affirmative defenses, answers in writing or in the form of audible declarations?

Additionally, whether his particular Rights conferred and claimed under international law and Treaty had been incorporated into the States Municipal laws?

Furthermore, whether any failure to enforce such right under the treaty and other legislation would be a breach of Duty of the Officials involved?

In addition, whether this court is competent to hear cases by nationals in a State against the official(s) of that said State?

Furthermore, whether the 13th, 14th and 15th Amendments to the United States Constitution were properly ratified and, whether they reflect the standard of the Constitution of the United States from 1789 to 1863 as well as the Bill of Rights of 1791?

III.

**FIRST CAUSE OF ACTION
RACKETEER INFLUENCED AND CORRUPT ORGANIZATION ACT**

RICO

**TITLE 18 U.S.C. §1962(d)
(CONSPIRACY CLAIM)
TITLE 18 U.S.C. §1964(c)**

Statement of facts:

From on or about February 8th, 2006 to on or about Sept 4th 2008, the above named Defendants in this complaint, and other unknown persons acting in association knowingly, intentionally, and willfully, joined, agreed, and conspired to, and did so, form an enterprise made up of JUDGE EILEEN NADELSON as its principle member, and various named and unknown employees of KINGS COUNTY CRIMINAL COURT, and others, as members of said enterprise, with its principle purpose to function as an enterprise through the organizational structure of the CRIMINAL COURT OF THE CITY OF NEW YORK, by and through its members carry out a pattern of racketeering activities as a common scheme to intimidate, corruptly coerce, and corruptly persuade witnesses and clients in official proceedings to withhold, fabricate, and falsify evidence, information, testimony, and as well AUTHORIZED and/or ALLOWED predicate acts, (relating to Obstruction of Justice), as defined in Title 18 U.S.C. §1512 (relating to tampering with a witness, victim, or an informant), and "racketeering activity" as defined within Title 18 U.S.C. §1961--to cover-up certain legal and illegal activities of others acting in aid thereof, all in violation of Title 18 U.S.C. §1962(d), the CONSPIRACY CLAIM WITHIN RICO.

Plaintiff affirms that each Defendant by WORDS or ACTIONS, conspired to engage in a pattern of racketeering activities in violation of Title 18 U.S.C. §1962. Defendants' acts constitute the seven constitutional elements:

(1) that the Defendant's (2) through the commission of two or more acts (3) constituting a 'pattern' (4) of racketeering activity (5) directly or indirectly invests in, or maintains an interest in, or participates in (6) an 'enterprise' (7) the activities of which affect interstate or foreign commerce. In addition Corroborating evidence is incorporated into the record from exhibit Q thru Z.

2nd CAUSE OF ACTION
TITLE 42 U.S.C. 1985 (2) (3)
CONSPIRACY TO INTERFERE
WITH CIVIL RIGHTS

Defendants and other unknown persons did act in association, knowingly, intentionally, and willfully as they joined, agreed, and conspired to, and did so, form an enterprise made up of Judges, Prosecutors (A.D.A's), Clerks, Court Officers, and several unknown ("John & Jane Doe") persons employed. Judge EILEEN NADELSON as its principle member, and various unknown employees of the Criminal Court of the County of Kings and others, as members of said enterprise with its principle purpose to function as an enterprise through the organizational structure of the Criminal Court of the City of New York, by and through its members did act concertedly in an elaborate scheme to deprive the Plaintiff of his National status, in defiance of Plaintiff's audible objections in violation of: Title 8 U.S.C. 1101 (a) (22), ("National and NOT a United State Citizen"), North West Territorial Ordinance of 1787, Articles of Confederation (Article 4) 1781, Moroccan treaty of 1787-1836, Resolution 75 (House of Representatives), City Council of Philadelphia Resolution 1202, and Sundry Free Moor Act of 1790.

Moreover, plaintiff refers to those specific privileges and immunities pre-existing and pre-dating the adoption of the Federal Constitution of 1787, and those other rights conferred that were not incorporated into the municipal laws and afforded to Free Nationals of all free national governments of the World (Article 4 Section 2 Clause 1); in conformity with Article 6 of the Federal Constitution.

(2) Obstructing justice; intimidating party, witness, or juror

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or

threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

Defendants used the U.S. POSTAL SERVICE to commit mail fraud--that is defendants knowingly and/or intentionally participated in a scheme to employ the use of inter-state mail and/or wire communications (telephone), all in furtherance of unlawful court proceedings, threatening to proceed with a forced criminal trial absent indictment of Plaintiff, King Justice Allah EL by: (1) mailing documents procured under fraud, (2) mailing Orders signed to intimidate, coerce and deprive the Plaintiff by scheme, (3) making telephone calls to the family and loved ones of Plaintiff to intimidate them into relating the messages of arrest (4) using a uniform Court practice as a shield for the authority of Officer under the color of law to defraud by scheme, in violation of Title 18 U.S.C.A. §§ 1341.

Under these circumstances, there exists an almost certainty that said enterprise will attempt to continue this obstruction of justice and further the negative impact of interstate and foreign commerce thus far sustained without redress.

Plaintiff incorporated all transcripts and pleadings relevant to this case(s), in which I audibly

stated clearly and repeatedly my Objections to the Courts jurisdiction, and at no time was the challenge effectively rebutted, nor pleadings responded to in any of the cases.

Plaintiff, King Justice Allah EL incorporates the many records of various cases under the Criminal Docket No.'s 2006KN009575, 2006KN012369, 2007KN051419, 2008KN024582, in the Kings County Criminal Court for the purposes of illustrating the coercive intimidating and threatening nature of the scheme, and the negotiating instruments that were used to commit the fraud and racketeering acts. These records are incorporated into this action as Exhibits A thru N.

**3rd CAUSE OF
ACTION ARISES OUT
OF AN ACT OF TRESPASS**

That Plaintiff's 3RD cause of action arises out of his recognized rights to title and usage of the Sir names Bey & EL, with immunities, and how it was Trespassed upon by the Defendants in the County of Kings in their Official Capacity, when they willfully and knowingly, and with malicious intent displayed such unlawful negligence when the court, under false pretence and without any reasonable nor probable cause did issue a series of Warrants, the first of which was issued on July 17th 2008 by Defendant JUDGE EILEEN NADELSON, the other two on August 4th 2008 by Defendant JUDGE BEST for the arrest of the plaintiff for : (1) not appearing or challenging a motion to consolidate two cases (8/4/08), and (2) issued a warrant (7/17/08) one day after Plaintiff appeared for an adjournment (7/016/08) and put the court on notice for a second time, having done so on July 14th 2008 declaring his intentions to file an action against them, of which the court retaliated by issuing said warrants supposedly for not appearing to a "forced trial" when the court was well aware that he would be in another court commencing an

action. Plaintiff suffered damages in the form of irreparable injury on this day, August 21st 2008, when I was wrongfully and unjustly held captive and handcuffed by Defendant LIEUTENANT SHERIDAN, then dragged to the Kings County Criminal Court before Defendant JUDGE EILEEN NADELSON and without any reasonable cause whatsoever, caused to be arrested by his body being taken into custody to be imprisoned and a \$1000 ransom demanded for the release of his body as if I had been absconding, and in fact I was in the process of commencing a special proceeding. Furthermore, this was not the first time Defendant JUDGE EILEEN NADELSON had Plaintiff arrested as retaliation for doing exactly what the law enjoined him to do. On June 8th 2007, Defendant JUDGE EILEEN NADELSON ordered Defendant COURT OFFICERS to arrest me in plain view of my then 5 years old son, as retaliation for the filing of an Order to Show Cause naming her as a Respondent. Before that incident and now, Defendants have collectively devised a devious plan to cause Plaintiff similar and further injury by the villainous decision of Defendant JUDGE EILEEN NADELSON to issue a new warrant under the guise of failure to appear on September 2nd & 3rd 2008 at the Kings County Criminal Court for a forced trial without any reasonable or probable cause, and purely because of Plaintiffs' insistence to the exercise of his right as a Moorish-American national to challenge the Criminal Court Authority by an audible Objection to personal jurisdiction; and to this day absent a rebuttal establishing the substance in law of its authority to go forth. Plaintiff contends that the criminal court action unless enjoined, will undermine the jurisdiction of this court and frustrate any relief awarded by this court with respect to the plaintiff's liberty and property (Federal Reserve Notes) that plaintiff suffered damages by such actions complained of.

4th CAUSE OF ACTION

IS FOR VIOLATION OF TITLE

42 U.S.C. 1983 DEPRIVATION OF RIGHTS

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

From the 17th of July to 4th of September, Plaintiff has diligently pursued the commencement of the below described action, incorporated into this Complaint along its many exhibits. The Order to Show Cause, Verified Petition, and Application to proceed *IFP* in the filing of my action signed September 4th 2008 by Defendant JUDGE YVONNE LEWIS (J.S.C.) granted me the *IFP* request but refused Judicial Intervention in the form of an interim stay even as she had been made aware (through our conversation in her courtroom and the letter I provided to her written by Defendant, SUSAN H. HARKAVY, Clerk in the Appellate Division 2nd department) of the false information that I was given by above named Defendant, that I was in the wrong court and directed me to the Supreme Court because she proclaimed that was the proper venue and forum that would entertain the filing of my action (see exhibit 2). This was an act of fraud committed for the purpose of protecting the Defendants from having to show cause for their actions complained of, by having me file the case in the wrong court knowing it would be dismissed for lack of subject matter jurisdiction. Let it be duly noted that the letter written by Defendant SUSAN H. HARKAVY was only after Plaintiff returned and insisted on a written "order" as to the grounds for denying the filing of the action. This tactic of denying my action without any written order explaining the grounds for the denial was yet another attempt at covering up the unlawful acts of these judges, since without a written "order" I would have

nothing to appeal. And furthermore, the statutes she quoted as the grounds for the denial of the commencement, are the same statutes that dictated that I was filing it in the appropriate venue and forum to begin with.

A bench warrant was issued by Defendant JUDGE EILEEN NADELSON as an act of retaliation after I notified her in open court that I was going to bring an action against her and another judge of the same court (Defendant JUDGE YEARWOOD, in this action), as well as the Prosecution (Defendants CHARLES HYNES KINGS COUNTY DISTRICT ATTORNEYS OFFICE & A.D.A.'s in this action). This was the reason why I went to the 2nd department (on August 21st 2008) and requested an emergency interim stay on the entire matter and to have the warrant vacated, which was issued after I made special appearances in court (July 14th & 16th 2008) to give notification of my intentions to commence an action (order to show cause in a special proceeding). However, this did not sit well with Defendant EILEEN NADELSON and she threatened to proceed with a forced trial absent an indictment and without lawful jurisdiction on the same day of which I notified the court I would be commencing said action, and she also threatened to issue a warrant for my arrest if I did not show up at the Kings County Criminal Court. I did not appear and this was the excuse for issuing the warrant as if I had absconded when the court had been put on notice that I would be at the 2nd Department. Before showing up to commence the said action I had a non-interested party give notification yet again to the named Respondents (at the insistence from the 2nd Department Court Clerk "John Doe") (see exhibit 1) and I was arrested by the Court officers (under the command Defendant LIEUTENANT SHERIDAN) while I was filing for a special proceeding, in violation of New York Civil Rights Law sec. 23.

Although Defendant JUDGE YVONNE LEWIS was made aware of all this, she resorted to the same tactic of denying the application without issuing any written order as to her grounds for the denial. All in an effort to protect her fellow racketeers and "passed the buck" by denying my application in its entirety, in light of the abundance of evidence of the numerous wrongs committed against Plaintiff by the Defendants which was presented before her and corroborated in this action. See exhibits 1, 2, & A-Z.

5TH CAUSE OF ACTION
IS FOR DEPRIVATION OF RIGHT
UNDER THE COLOR OF LAW, TITLE 18 U.S.C. 242

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

6TH CAUSE OF ACTION IS
AN ACTION FOR NEGLECT TO
PREVENT IN VIOLATION OF 42 U.S.C. 1986

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent

or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefore, and may recover not exceeding \$5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

Although several judges having the Authority to review and adjudicate the issues raised in Plaintiff's several State actions and hearings made under Special Appearance, and were all made well aware of the injustices and transgressions I have been subjected to, which were obviously reserved especially for this Plaintiff, have lent a blind eye, turned their back, and over looked this mountain of evidence and ignore their obligation to adhere to the contours of Due Process, and in doing so violated their own sworn oaths of office as well as denied me my rights and immunities against unlawful abuse of process and Malicious Prosecution, resulting in irreparable harm by subjecting/ordering my unlawful imprisonment as a punishment for filing a special proceeding in the Supreme Court and Appellate Division 2nd Department, against Defendants, JUDGES NADELSON, ZARO, YEARWOOD and the Prosecution (CHARLES HYNES KINGS COUNTY DISTRICT ATTORNEYS OFFICE).

IV.

Remedy.

Plaintiff seeks relief under Title 28 U.S.C. 2201 and 2202 Creation of remedy and Further Relief, for pain, suffering, and actual injuries to Plaintiff's body being unlawfully imprisoned, unlawfully arrested, maliciously prosecuted, conspired against for the deprivation of life, liberty and loss of property, loss of wages, residual pain, etc.,

WHEREFORE; Plaintiff seeks relief in the form of an injunction staying the State Court Proceeding and monetary damages in the amount of 2.5 Million US Dollars and what ever the Court deems just and equitable.

I hereby certify that the above is true and correct to the best of my informed knowledge under The laws of the United States of America and without the (UNITED STATES) Pursuant to Title 28 U.S.C. §1746.

DATED- Sept 7th 2008

Signed:

without prejudice
ARR. *ucc*
1-207
All rights reserved